

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MARSHALL H. MURDOCK,)
Petitioner,)
v.) Case No. 3:11-cv-1136
RONALD COLSON, Warden,) Judge Sharp
Respondent.)

ORDER

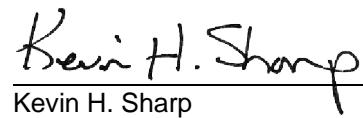
Petitioner Marshall Murdock has filed a habeas petition in this Court pursuant to 28 U.S.C. § 2254. For the reasons stated in the Memorandum Opinion filed herewith, the Court finds that the petition (ECF No. 1) is a successive petition under 28 U.S.C. § 2244 which this Court lacks jurisdiction to consider in the absence of an order from the Sixth Circuit Court of Appeals authorizing its filing.

Accordingly, the respondent's Motion to Transfer Second or Successive Application for Writ of Habeas Corpus (ECF No. 37) is **GRANTED**.

The Clerk of Court is **DIRECTED** to **TRANSFER** this case to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631 and *In re Sims*, 111 F.3d 45 (6th Cir. 1997).

The petitioner's Motion for Summary Judgment (ECF No. 40) is **DENIED** as **MOOT**.

It is so **ORDERED**.



Kevin H. Sharp
United States District Judge